

## **TOWN BOARD**

The Town Board, Town of Highlands, held a meeting on Monday, May 14, 2012 at Town Hall, 254 Main St, Highland Falls, NY at 7:00pm.

PRESENT:	Mervin Livsey	----	Supervisor
	William Edsall	----	Council Member
	James Stradley	----	Council Member
	June Gunza	----	Council Member
	Holly Gokey	----	Council Member
	Justin Rider	----	Counsel
	Lesley Peterson	----	Deputy Town Clerk

Supervisor Livsey opened the meeting at 7pm.

### **PUBLIC COMMENT**

No public comment.

### **MINUTES**

Council Member Edsall asked that the minutes be amended to state that Chlorine was added at the Sewer Plant as a regular part of maintenance, not because of any problem.

Council Member Edsall made a motion seconded by Council Member Stradley to approve the minutes from the April 23, 2012 Town Board meeting.

**MOTION CARRIED: 4-ayes (Livsey, Edsall, Stradley, Gokey)**  
**0-nays**  
**1-abstention (Gunza)**

### **COMMUNICATIONS**

Supervisor Livsey received a letter from the Orange County Health Department about a free rabies clinic.

Supervisor Livsey received a letter from Senate Schumer about the "Challenge America Fast Track Program" which offers support, in the way of grants, to certain groups. Applications are due by May 24.

Supervisor Livsey received a letter from Assemblywoman Calhoun informing the Town that our CHIPS funding will be the same this year.

**FINANCIAL REPORTS, REQUESTS & RESOLUTIONS**

Water District #2 Water Bill Charges & Points:

Supervisor Livsey explained that there were a lot of errors in the water bills that were sent out and that there would be another bill going out with a new due date. The Supervisor asked the camera operator to show a sample bill and he explained it again to the public.

Water Rates Increase:

Supervisor Livsey said that the Village has raised the water rates. The Supervisor stated that the Town will still be charged \$118.20 for the first 5,000 gallons, but then the charge will increase to \$6.44 for every thousand gallons after that.

Ambulance Towing Bill from Michael Bigg:

Supervisor Livsey said there is an outstanding tow bill for the ambulance of \$593 that the Ambulance Corps has been fighting with the company who sold the Town the ambulance to pay for. The Supervisor would like to pay the bill and then go after the company for reimbursement.

Council Member Gunza made a motion seconded by Council Member Edsall to pay Michael Biggs the \$593 tow bill and then go after the company for the money.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Approval of Accounts Payable:

Council Member Edsall made a motion seconded by Council Member Stradley to approve the A/P Register in the amount of \$194,494.51.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**BOARD LIAISON REPORTS**

Council Member Gokey:

IT: The new server should be here and installed around the first week in June. The Department Heads are sending information for the website which is being forwarded to the IT Department.

Supervisor Livsey said that it seems the IT Department is giving us the run around with the new server. The Supervisor asked Council Member Gokey to send another e-mail out to the Department Heads about information for the website.

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Building Dept.: There is a Reserve Fund set up to purchase a new vehicle and there has been discussion about possibly dissolving this reserve fund and putting the money in another one. The Building Department has been busy with complaints, advisory notices, etc.

### Council Member Gunza:

Ambulance: The Ambulance Corps has been very busy and 4 members are receiving awards on May 22 at the 911 Center.

Police: There are 3 applicants for the Board to consider at the next meeting. There is going to be 1 resignation by then and, possibly, another soon after.

Emergency Management Committee: The new Coordinator/Deputy Coordinator are in place and the committee is working on updating and improving the Plan.

### Council Member Stradley:

Recreation: The Leagues have begun and signups for more programs are taking place.

Highway/Sanitation: Mr. Squicciarini has been working with the Recycling Center to make recycling more efficient. Sanitation is back to a full crew.

Dial-A-Bus: The Dial-A-Bus is currently up and running.

Supervisor Livsey said the bus currently goes to Shoprite/Kmart and the Newburgh Mall on different Saturdays of the month. Ms. Solan is requesting that the bus be permitted to go to the Monroe area and she needs a letter from the Supervisor to be sent to the Town of Monroe for approval.

Council Member Gokey made a motion seconded by Council Member Stradley to approve the Supervisor sending a letter to the Town of Monroe requesting permission for the Dial-A-Bus to go into Monroe.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

### Council Member Edsall:

Water: Counsel is still working on the easements.

Zoning: Will be asking Mr. Hager and Mr. Rider to proof read the information that has been put in the spreadsheet before going any further.

Sewer Plant: Everything is running fine and the inspection went well.

**SUPERVISOR'S REPORT**

Supervisor Livsey said that everyone on the Town Board does a lot of work behind the scenes and he respects the jobs they do.

Supervisor Livsey said he recently sat down with some residents and spoke a little about the cell tower proposal.

Supervisor Livsey reported that he attended the Orange County Office of the Aging volunteer recognition program at Pier 9 and there were 500 volunteers there.

Supervisor Livsey said he threw out the first pitch, with Mayor D'Onofrio, at the Ponytail opening game. The Supervisor said that the ball that was thrown was the same ball that he and Mayor D'Onofrio threw at the 1995 opening game.

**UNFINISHED BUSINESS**

Amendment to Town/Village Water Agreement:

Mr. Rider said that the Town is requesting an amendment from the Village for two main purposes. Mr. Rider explained the Town would like to use a different type of piping and also to extend the term to coincide with any type of funding that EFC might due for the project.

Supervisor Livsey said he looked at the amended agreement and he is okay with it.

Council Member Gunza made a motion seconded by Council Member to authorize Mr. Rider send it to EFC and depending on their agreement or approval of such then the Town can also approve it.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

Town Hall Furnace Replacement Quotes:

Supervisor Livsey has obtained 3 proposals to replace the furnace in the Town Hall. The quotes received were: Newbrasky Plumbing & Heating for \$25,457; DNK for \$26,400; and Expert Mechanical for \$21,964. The Supervisor would like the Board to approve the lowest quote.

Council Member Edsall made a motion seconded by Council Member Gunza to accept the quote of \$21,964 from Expert Mechanical to replace the old furnace and water heater at the Town Hall.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**GENERAL BUSINESS**

Homeland Towers Proposal:

Supervisor Livsey has received a proposal from Homeland Towers to put a cell tower on the Town Garage property. The Supervisor has not answered them because he doesn't know if it can be done or how the Board feels about it.

Survey of Town Garage Site/Old Town Garage Site:

Supervisor Livsey said Mr. Squicciarini has \$2,100 for a survey the Town Garage site, but if the Board is not willing to put the tower up there, there is no need for a survey.

Council Member Gokey said she doesn't like cell towers and would not approve the survey.

Council Member Edsall said that if the Board rejects that site, it will end up going somewhere else.

Supervisor Livsey asked if the Board wanted to survey this site. The Supervisor saw 3 heads shaking no and didn't pursue it anything further.

Supervisor Livsey said that the Town is currently surveying the Emergency Services Building to see if the Town will be able to plant trees to help with the current situation with the residents adjacent to the building.

Supervisor Livsey asked if the Board would agree to a survey on the old Town Garage property.

Council Member Gunza said it would be a good idea especially if the drainage needs to be rerouted.

Supervisor Livsey said he would hold off on the survey.

Resolution – First Garden Park Realty Tax Certiorari:

Mr. Rider said after negotiations a settlement has been reached with First Garden Park Realty.

Council Member Gokey made a motion seconded by Council Member Gunza to adopt the Resolution to Authorize Settlement of Proceeding Under Article 7 of the Real Property Tax Law: First Garden Park SBL#17-1-12.

**RESOLUTION ADOPTED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**\*\*\*\*RESOLUTION ATTACHED\*\*\*\***

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### Sewer Plant Annual Inspection:

Supervisor Livsey reported that the Sewer Plant had its annual inspection and passed with flying colors.

### Town of Highlands 140<sup>th</sup> Birthday:

Supervisor Livsey was reminded by Historian Stella Bailey about the Town's upcoming birthday. The Supervisor would like everyone to think about how the Town can celebrate.

### Resolution – West Point Realty Tax Certiorari:

Mr. Rider has a resolution authorizing a retainer agreement for a tax certiorari appraisal for West Point Realty. Mr. Rider explained that the Town will split the cost with the School District.

Council Member Edsall made a motion seconded by Council Member Gunza to adopt the Resolution of the Town Board Authorizing a Retainer Agreement with Griffin Valuation & Realty Services for a Tax Certiorari Appraisal of West Point Realty, Inc.

**RESOLUTION ADOPTED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

**\*\*\*\*RESOLUTION ATTACHED\*\*\*\***

### Resolution Opposing Wetlands Mapping:

Supervisor Livsey has a resolution opposing NYS Department of Environmental Conservation updating its wetland maps and extending its jurisdiction.

Council Member Edsall said that DEC is required by law to update their maps and he doesn't see where this would impact the Town.

Mr. Rider said that this resolution would oppose the new DEC maps and urges that New York assume the federal 404 program.

A lengthy discussion occurred.

Supervisor Livsey asked the Board what they wanted to do.

There was no motion on the resolution.

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### Reserve Funds:

Council Member Gunza said there are many reserve funds that need to be reviewed. Ms. Gunza said some of these could be closed and the money used for something else.

Supervisor Livsey said he believes there was talk about putting them all out for permissive referendum and that would solve the problem.

Mr. Rider said that is a critical step, but the reserve funds would need to be looked at to make sure it doesn't violate the original formation process.

### Next Town Board Meeting:

Supervisor Livsey made a motion seconded by Council Member Gokey to hold the next Town Board meeting on May 29 (Tuesday) at 7:00pm.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)  
0-nays**

## PUBLIC COMMENT

Pharoby Ripa stated that she would like the Board to be skeptical when it comes to the State and she said she is not opposed to cell towers, but she doesn't want any near homes.

Mrs. Biskup read a letter from a resident in Cragston who doesn't agree with the cell tower being placed at the Town Garage site.

Mervin Livsey, Jr. explained that he sustained major damage to his property during Hurricane Irene and asked the Town Board to look into doing something with the water in the brook. Mr. Livsey said he will also be going to the Village Board about this.

Council Member Gunza said the brook is owned by different entities, including private people.

Ned Kopald said this needs to be a joint effort.

Pat Flynn thanked everyone who helped make Touch-a-Truck day a success. Mr. Flynn also asked that the Dial-A-Bus be used to promote the local market.

Kathy Hammil announced that the Hudson Highlands Land Trust will be hosting a Family Festival on June 9<sup>th</sup>.

## **EXECUTIVE SESSION**

Supervisor Livsey made a motion seconded by Council Member Stradley to go into executive session to discuss the Police Contract. Board went into executive session at 8:20pm.

**MOTION CARRIED: 5-ayes (Livsey, Edsall, Stradley, Gunza, Gokey)**  
**0-nays**

Attest,  
Lesley Peterson

## RESOLUTION

OF

MAY 14, 2012

### A RESOLUTION TO AUTHORIZE SETTLEMENT OF PROCEEDING UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW: FIRST GARDEN PARK SBL # 17-1-12 Index Nos. 2010-2011

Council Member **Gokey** moved the following resolution which was seconded by Council Member **Gunza**.

WHEREAS, First Garden Park ("Petitioner") has instituted proceedings under Article 7 of the Real Property Tax Law by which Petitioner seeks to obtain judicial review and reduction of the assessment of certain real property in the Town of Highlands, Orange County, New York located at Section 17-Block 1-Lot 12 on the tax assessment rolls for the tax years 2010 and 2011; and

WHEREAS, the town appraiser Griffin Valuation Consultants and counsel to the Town,



Rider, Weiner & Frankel, P.C., have negotiated a settlement of the proceedings with the Petitioner, reducing the assessment from 1,274,900 to 1,139,500 for 2010 and 2011 and to 1,060,000 for 2012, 2013 and 2014, the terms of which are to be embodied in a proposed Consent Judgment; and

WHEREAS, the Town's Assessor concurs with such settlement; and

WHEREAS, after review and discussion, the Town Board has determined it to be in the best interests of the Town to authorize the settlement.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes and directs the Supervisor and Rider, Weiner & Frankel, P.C. to execute and deliver a Consent Judgment and Stipulation of Discontinuance on behalf of the Town; and

BE IT FURTHER RESOLVED, that Rider, Weiner & Frankel, P.C., the Town's Assessor and other officers of the Town are hereby authorized to take such actions and to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, documents and papers as may be necessary to effectuate and carry out the settlement; and

BE IT FURTHER RESOLVED that the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

James Stradley, Councilman voting **Aye**

June Gunza, Councilwoman voting **Aye**

Holly Gokey, Councilwoman voting **Aye**

William Edsall, Councilman voting **Aye**

Mervin R. Livsey, Supervisor voting **Aye**

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a meeting of the Town Board, Town of Highlands, on May 14, 2012.

\_\_\_\_\_  
June Patterson, Town Clerk

RESOLUTION

OF

MAY 14, 2012

A RESOLUTION OF THE TOWN BOARD  
AUTHORIZING A RETAINER AGREEMENT:  
TAX CERTIORARI APPRAISAL  
WEST POINT REALTY, INC.

Council Member **Edsall** moved the following resolution which was seconded by Council Member **Gunza**.

**WHEREAS**, the appraising firm of Griffin Valuation & Realty Services, Ltd. (“Griffin”), has offered to provide appraisal services related to the inspection of the hotel franchised as a Holiday Inn Express in connection with a tax certiorari proceeding instituted by West Point Realty, Inc. (the “Agreement”); and

**WHEREAS**, the Agreement anticipates an approximate cost of \$4,500.00, for the initial tax year, with additional charges of approximately \$750.00 for each additional tax year involved thereafter, all of which fees would be split between the Town of Highlands and the Highland Falls-Fort Montgomery Central School District; and

**WHEREAS**, the Town Board has reviewed the terms and conditions of the aforesaid Agreement and finds the Agreement acceptable.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. That the Town of Highlands Supervisor is hereby authorized to enter into for and on behalf of the Town of Highlands, the Agreement with Griffin.
2. That the Supervisor is hereby authorized and empowered to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, agreements, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolutions and agreements.
3. That the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

James Stradley, Councilman voting **Aye**

June Gunza, Councilwoman voting **Aye**

Holly Gokey, Councilwoman voting **Aye**

William Edsall, Councilman voting **Aye**

Mervin R. Livsey, Supervisor voting **Aye**

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a meeting of the Town Board, Town of Highlands, on May 14, 2012.

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June Patterson, Town Clerk